

CAUGHT!

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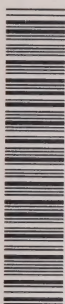
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UNIVERSITY OF TORONTO

Probation

Correctional Institutions



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Ontario

Ministry of
Correctional
Services

Honourable Nicholas G. Leluk
Minister
George R. Podrebarac
Deputy Minister

INTRODUCTION

Mark and Tom

Two 17-year-old friends are apprehended after a high speed chase when they were challenged by police at the scene of a break and enter.

The two are arrested, handcuffed, taken to the local police station, and charged with break and enter.

With Mark already on probation, the youths are both held overnight for an appearance in court the following morning, at which they are remanded until the following week, granted bail, and allowed to go home. After four consecutive weekly remands, to give their lawyers time to prepare their cases, the trial is held and both are convicted of the offences.

However, before handing down sentence, the judge orders a presentence report on Tom and an updated report from Mark's probation officer to assist him in making decisions on their sentences.

A probation officer explains to Tom that she will be contacting his parents, teachers, part-time employer, and others in the community who know him fairly well.

Mark's probation officer explains to Mark and his parents the seriousness of this latest offence and the effect it could have on the judge's decision about Mark's immediate future.

In court the judge tells Mark that he feels Mark had no intention of obeying his probation order and that he therefore feels it would be pointless to extend the probation period.

Mark is sentenced to a six-month reformatory sentence to begin immediately, followed by 18 months' probation with a condition, among others, that he make restitution for one-half of the damage caused.

The judge warns Tom that unless he can drastically improve his behavior pattern, jail will be the next stop for him. Meantime, the judge has decided to provide Tom with the possibility of performing community service as an alternative to going to jail. Tom accepts the opportunity to re-establish himself as a responsible individual within the community.

The judge places Tom on probation with conditions that he perform 100 hours of community service and, of course, pay restitution for his half of the damage.

Tom follows the probation officer to find out what the next step is.

Mark is led away by a police escort to be taken to the local jail. Here, usually within a week of arrival, Mark will be assessed and a decision made as to where and under what general conditions his sentence will be served.

Tom is told by the probation officer that there are several possible placements where he can work off his 100 hours.

But first he explains to Tom exactly what a probationer can and cannot do while the order is in force.

PROBATION

Tom

Because Tom committed an indictable offence, he was lucky that the probation officer's extensive investigation of his status showed that he was well regarded in the community.

Had the report been less than thorough, Tom might have found himself going to jail.

The probation officer explained to Tom that, although he was free to go back to his job, being on probation was going to put a stop to some of his activities.

There would be restrictions on his freedom as specified in the order. For instance, the judge had given Tom a daily curfew. He now had to be home by 11 p.m. every evening, or risk being picked up by the police for breach of probation.

If there is trouble somewhere and you happen to be seen in the vicinity, chances are you'll be questioned, to determine whether or not you had anything to do with the problem.

You may not be able to cross the border to the U.S. This may not be a problem for you right now. But it means you can't cross the border to attend a rock concert or go for a car ride. If your family decides to go to the States for a weekend or a longer trip, you might not be able to go.

It may not affect you, but probationers who live in border towns and whose friends usually go



across on weekends will find themselves left behind.

One probationer who lived in a border town and had a job on the railway suddenly found he couldn't cross the border on the train even though he was only doing his job. The border police refused him entry.

You may find that bonding is difficult to obtain; your potential employer may learn you have a record and you may not be hired.

If Tom drives a car too fast and is stopped for speeding, the police officer will find Tom's on probation for a break and enter, so the officer will ask him to open the trunk to see if there are any tools which could be used for a burglary.

Maybe there are a couple of screwdrivers and a crowbar. For a person with a record, even these common tools can be considered 'burglar tools.' Because Tom is on probation, he could be taken in on suspicion and held for questioning.

Tom's parents already know that he's on probation. He would like to keep it a secret from other people, but that's not easy.

When the probation officer goes out to gather information for a presentence report, parents, possibly aunts and uncles, teachers, employers, church officials, and anyone else who knows you well may be asked questions about you.

They all find out you're in trouble with the law. How will this affect your relationship with them - this year? - next year?



Those mug shots on the bulletin board at the police station might stay there for years. Your face will certainly stay in the local police officer's mind as a potential troublemaker, even if this is your one and only offence.

You've also been fingerprinted. So now your mug shot and fingerprints may be on file for the rest of your life for any police officer anywhere in North America as well as through Interpol.

You can move — but your record remains available to local police.

Probation is not easy.

There are several possible placements where Tom can do his 100 hours of community service.

A local industry requires a volunteer five hours a week to help adults who are mentally retarded at the end of the work day, Monday to Friday.

A person is needed at the arena to clean up after minor hockey games.

A senior citizen's home needs someone to shovel snow.

Tom asked for the industry placement, but he had to wait to find out if he was considered suitable for it.

One hundred hours hadn't sounded too bad at first, but when Tom counted it up at five hours a week, he realized it would take him five months to complete.

Although Mark and Tom had not got away with any stolen property this time, their car had been packed with expensive stereo equipment which was damaged when their car went out of control and hit an overpass while the police were chasing them.

One of the conditions of Tom's probation order was that he would pay back \$1,800 in weekly installments to cover half the cost of the damaged property.

Because Tom only worked part-time — two nights after school and Saturdays — the probation officer felt that \$20 a week would be a reasonable amount.

That meant paying \$20 each week for about 22 months. Tom was left with very little money for other necessities or pleasures.

His parents were hurt. They couldn't understand what had happened to him. His mother cried and his father was angry.

The biggest percentage of teenage crime is spontaneous.

It's often done for excitement and quick, easy



money. Kids from all walks of life are charged every day with an assortment of crimes.

Parents are hurt. Younger brothers and sisters are hurt. Being an older brother or sister who's committed a crime can really set a bad example for younger siblings.

Neither social standing nor race is any safeguard against a teenager committing a crime.

But most of all it is the offender who is hurt. He or she will be paying for that spontaneous act for a very long time, possibly a lifetime.

Giving a probation term is the judge's way of saying, "I've looked at your personal history and I think you deserve a chance to make good the damage you've done and sort yourself out."

The probation officer works with you to make sure you do what you're supposed to; but the officer is also there to back you up when you think you won't make it to the end of your requirements.

If you fail to report to your community service order placement — or if you miss payments on your restitution order — you stand a good chance of being returned to court and possibly being sent to jail.

INSTITUTIONS

Mark

The police paddy wagon arrives at the jail at the entrance know as A&D — Admitting and Discharge.

Although Mark gave the appearance while he waited of not caring whether or not he went to jail, he is scared.

He has no idea what to expect. He is handcuffed to another prisoner, so there is no chance to run away. But he wouldn't try that anyway, because he is almost too afraid to move.

The jail door opens and the group of prisoners including Mark and the police officers escorting them move forward. The jail door clangs shut behind him.

One of the police officers hands over Mark's

warrant of committal to the correctional officer who asks Mark if he is indeed the person named on the warrant.

Mark replies in the affirmative.



The officer searches Mark and then escorts him to the holding cell, usually referred to as the 'bull pen,' and locks him in.

The police officers leave, and Mark is now in the custody of the Ontario Ministry of Correctional Services.

The correctional officer on duty in the admitting area assigns the new inmate a number, which will be his main form of identification for the next six months. His mug shot is taken and he is fingerprinted. His prints will be forwarded to the RCMP in Ottawa. Basic information is then taken, including address, next of kin, employment record, and a detailed physical description.

Mark is then ordered to place all his belongings on the bench beside him, including any jewelry he is wearing, and to strip. He is numb with fright and embarrassment. As he undresses he begins to shiver, wondering what will happen.

When he is completely undressed he is told, in sequence, to raise his arms, open his mouth, display the soles of his feet, run his hands through his hair, turn completely around, and finally bend forward and spread his buttocks. Mark feels humiliated but does as he is told.

The officers admitting Mark have the duty to see that no inmate brings contraband into the institution and so they must examine the body orifices.

A shower is next. Mark would like to stay under the water and warm up, but he is ordered out and told to dress in the clothing laid out for him.

He is escorted to a cell range where some other fellows about his own age are playing cards at a table behind the cell doors.

They look at him, but no one speaks.

The officer tells Mark which cell is his and he sits down on the bed.

Mark becomes aware of his surroundings and of the odor that is a characteristic of most institutional settings.

Food is brought to the cell corridor on trays.

At night, he is locked into his cell.

The days drag on. There is very little to do except play cards, read, or exercise. A volunteer from the community teaches basic reading and writing. A few inmates work in the kitchen every day, but there is no opening for Mark.

He talks to the other men locked up with him, but it is only to pass the time.

For most inmates, status with fellow prisoners is all they've got, and Mark finds himself listening to tales of exploits that might have made good movies, but are nothing more, he is sure, than lie upon lie as one inmate tries to outdo another.

Mark had a lot of time to think. He stayed in the jail for eight days before he was transferred to a bigger institution to serve the rest of his sentence.

Mostly he thought about his family and his girl friend, and the things that had got him into trouble.

He could have been making it as a printer. His father owned a print shop and Mark had worked part-time at it for nearly two years.

But he'd got into drugs and that had changed everything. He'd even taken drugs while he was working.

It was hard not to — all his friends seemed to be at it.

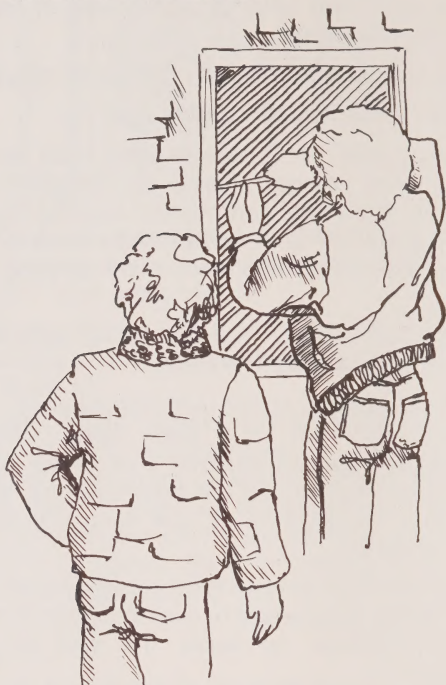
Then he'd needed more and more money. The part-time job didn't provide enough, nor after a while did shoplifting.

But he got caught and was given probation. Then he'd heard from another probationer

who'd served time in the penitentiary that a certain warehouse was not securely locked.

The police caught Mark and Tom after the fifth time Mark had been in the warehouse.

He'd been selling transistor radios at almost half-price until one of his customers didn't get what he wanted, and phoned the police about the warehouse break-ins.



Mark's transfer date arrived and he began to feel scared again about the new institution. He didn't know what to expect and he found himself wishing he could stay in the jail. At least he'd learned how to get through the day, and it was close to home.

He was shackled hand and foot and led outside to a bus with bars on the insides of the windows.

He learned from the man seated next to him that he was also going to a correctional centre.

When they arrived they were stripped and searched again, told to shower, and issued fresh clothing.

This correctional centre holds up to 560 inmates, all serving up to two years less a day.

Most of the inmates are between 16 and 25 years of age, but some are older, even in their 60s and 70s.

One of his cell mates at the jail had told him he should try for a job. It helped to pass the time. So he said he'd worked as a maintenance man on the street and agreed to be assigned to maintenance in the institution.

He learned afterwards that he could have worked in other areas.

All the picnic tables in Ontario's provincial parks are made at the centre.

Or there is sign painting training, house painting, auto mechanics, sheetmetal industry, woollen mill, a greenhouse, or even a chance to go to school.



Some of the inmates welcomed the chance to upgrade their schooling. Some couldn't read at the Grade 3 level.

But all Mark wanted was to work to pass the time.

The nights are long because he can't seem to tire himself out enough during the day.

The days are long and monotonous. You get up at 6:30 a.m. At breakfast, everyone wants to eat a lot because it is something to do. Some men eat six or seven slices of bread in the morning just to get that full feeling. The food all tastes the same, the way bulk-cooked food does.

Lots of the time the inmates seem to be sitting around waiting to be told what to do next.

You need a signed pass every time you move from one part of the institution to another. You stand beside locked doors a lot, waiting for an officer to let you through.

You learn not to think, because if you try to do something other than what you've been told to do, you're liable to be in trouble.

You soon come to realize that a lot of people are there because they didn't think clearly on the outside.

Some of the officers are friendly. Most of them are trying to do their job as well as possible. Mark realized that the officers' job isn't easy.

Every group of inmates has its troublemakers. Even the groups that live in the open dormitories — the most trusted inmates — have their share of men who complain all the time.

Some of the inmates had served longer sentences previously in the federal prison system even though they were in the provincial system now.

Mark got fed up hearing some of the men say that the judge had made a mistake, or that they shouldn't be inside at all because they really were innocent.

"Jails are full of innocent people," Mark heard one inmate say, just after he'd described how he'd robbed a Mac's Milk store.

Some of the inmates qualified to work at the meat processing plant.

Mark found out that if you could qualify for the temporary absence program, you might get hired by the meat packing company that runs the abattoir, or, if you could get yourself a job on the outside, you could get transferred to an institution near your job.

You still had to sleep at the institution and you had to pay toward your food, but at least you got out during the day.

Mark's father could have offered him a job, but he refused. He felt Mark should serve his sentence and maybe it would teach him a lesson.

The weekends were the worst for Mark, because there was no work. Since it was winter and the temperature was below freezing, the men didn't get outside often for recreation.

Some of them used the gym, a few went to the arts and crafts class run by a volunteer, the Native inmates had their own cultural group in

the chapel on Saturdays, and a lot of the inmates had visitors.

Mark wasn't the only one who found the weekends long. A lot of the inmates tried to read a bit, but some didn't even have the skills to read large print books for beginning readers.

Mark hated the few visits he had, and finally told his mother not to come back. He knew her feelings were hurt, but he didn't want to explain to her that because he was a known drug user he got strip-searched every time someone visited him.



When he first started serving his sentence he spent a lot of time thinking about what he hated most. It was the strip-searching and the eternal routine.

But he soon realized that if he was going to get through his time in the institution, he'd better forget the things he hated and think instead about ways of staying out of trouble when he got out and make the most of the programs provided for inmates.

Mark decided to ask about getting a job at the meat packing plant. He knew it would pay as much money as he could make on the outside, and that would give him a decent bank account to go back on the street with, and he'd be learning a trade at the same time.

His application for the temporary absence program was approved and an opening at the plant came up.

By lunch on the first day he was ready to quit. The sights and smells made him feel sick and he couldn't eat. He wished he'd gone out with the

volunteer crew that was shoveling snow in the downtown area, or the group that was painting the auditorium at the senior citizens' home.

But the abattoir manager took him aside, and explained that they'd all been through the same thing — he'd be OK by tomorrow.

He reminded himself that this job paid well and would give him some money for when he got out.



He'd also heard from a friend that a meat packing plant near his home often had jobs to offer.

Every inmate automatically qualifies for remission of sentence, which is a reduction of up to one-third of the total original sentence.

To qualify, the inmate must carry out all assigned duties as requested and obey the institution rules at all times. Some inmates forfeit a part or all of their remission because they have not followed the rules or have not accepted the duties assigned to them.

Mark's remission amounted to two months. Because he had willingly applied himself to the full program he was granted total remission and so, after four months in prison, was free to return home and begin his period of probation.

This booklet is designed to serve as a stimulus to discussion among students studying crime and corrections in Ontario.

Additional copies of the booklet may be obtained from the

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